

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA

VERSUS

CRIMINAL NO.: 3:09cr58-DCB-JCS

JIMMY GATHRITE a/k/a "Cheatta"

DEFENDANT

ORDER

This cause comes before the Court on the Defendant Jimmy Gathrite's Motion for Release on Bond Pending Sentencing and Appeal [docket entry no. 101]. The Court, having considered the motion, the Government's response thereto, and all applicable statutory and case law, and being otherwise fully advised in the premises, finds and orders as follows:

The defendant was convicted by a jury on February 10, 2010, of possession with intent to distribute 11.4 grams of crack cocaine, in violation of Title 21, United States Code, § 841(b)(1)(B). A conviction for a violation of the Controlled Substances Act carries a maximum penalty of ten years or more. 18 U.S.C. § 841(b)(1)(B). In this case, the Government does not recommend release and the Court finds that there is no "substantial likelihood that a motion for acquittal or new trial will be granted." 18 U.S.C. § 3143(a)(2)(a)(i)&(ii). Also, there are no "exceptional reasons" under 18 U.S.C. § 3145(c) that warrant release of the defendant pending sentencing or appeal. U.S. v. Carr, 947 F.2d 1239 (5th Cir. 1991); 18 U.S.C. 3143(a)(2). For these reasons, the Court finds that the defendant's motion is without merit.

Accordingly,

IT IS HEREBY ORDERED that the Defendant's Motion for Release on Bond Pending Sentencing and Appeal [docket entry no. 101] is **DENIED**.

SO ORDERED AND ADJUDGED this the 24th day of March 2010.

s/ David Bramlette

UNITED STATES DISTRICT JUDGE